

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHARLES RAY ANDREWS, JR.,

Plaintiff,

v.

GREEN OAKS, Medical City,

Defendant.

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Civil Action No. **3:15-CV-138-L-BK**

ORDER

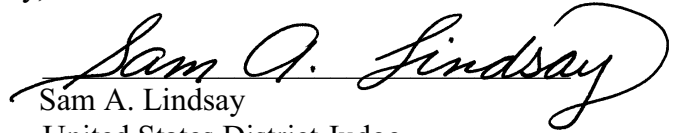
This case was referred to Magistrate Judge Renee Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on January 20, 2015, recommending that the complaint be summarily dismissed as frivolous. No objections to the Report were received as of the date of this order.

The magistrate judge concluded that Plaintiff Charles Ray Andrews Jr.’s (“Plaintiff”) claims are fatally infirm; that he has already pleaded his best case; and that granting leave to amend would be futile. Additionally, the magistrate judge concluded that Plaintiff “is on a filing spree” and that, since January 12, 2015, he has filed at least 17 actions. *See* Report 2.

After reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court, and **dismisses with prejudice** this action as frivolous. Plaintiff is barred from filing future *in forma pauperis* actions in this court without first paying the filing fee or obtaining leave from the district judge or the magistrate judge. The court prospectively certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(e)(2)(B); Fed. R. App. P. 24(a)(3). In

support of this certification, the Court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation. See *Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 27th day of February, 2015.


Sam A. Lindsay
United States District Judge